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DOCKET NO.: ISPA-3292

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RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:  
Nielsen, et al.

Confirmation No.: 9879

Serial No.: 09/486,623

Group Art Unit: 1631

Filing Date: July 6, 2000

Examiner: Ardin Marschel

For: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

"Express Mail" Label No. EV058066283US  
Date of Deposit August 30, 2002

EV058066283US

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*John A. Harrelson, Jr.*

John A. Harrelson, Jr., Registration No. 42,637

Box

☐ NON-FEE

☒ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

### REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

☐

A Preliminary Amendment.

☒

An Amendment Responsive to the Final Rejection Dated July 1, 2002.

☐

An Amendment Supplemental to the Paper filed \_\_\_\_\_

☐

Other: \_\_\_\_\_

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_ .

☐ Other Material as follows: \_\_\_\_\_.

**FEE CALCULATION**

☒ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	7	32 (20 MINIMUM)	0	\$9 EACH	\$ 0	\$18 EACH	\$
INDEP. CLAIMS	1	6 (3 MINIMUM)	0	\$42 EACH	\$ 0	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$ 0	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$ 0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$ 0	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$ 0	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$ 0	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$ 0	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ 0 )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$ 0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$ 0		\$

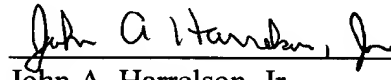
- ☐ A check is enclosed in the foregoing amount due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-

identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: August 30, 2002

  
\_\_\_\_\_  
John A. Harrelson, Jr.  
Registration No. 42,637

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EXPEDITED PROCEDURE  
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John A. Harrelson, Jr.  
John A. Harrelson, Jr., Registration No. 42,637

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE

This paper is being filed in response to the Final Rejection dated July 1, 2002. Applicants respectfully request that the following amendments be entered and that the rejection of claims in the application be reconsidered and withdrawn.

In the Claims

Please cancel claims 31-42 and 45-54 without prejudice.

Please amend claim 55 as follows.

55. (Amended) A method of killing or inhibiting growth of bacteria comprising:
- (a) selecting a bacteria to be killed or inhibited; and
  - (b) contacting said bacteria to be killed or inhibited with a peptide nucleic acid.

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E. Williams  
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OK TO ENTER  
AM, 9-20-02

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